

PUBLIC NOTICE NO. MT-08-05

April 22, 2008

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facilities listed in this notice. These permits are issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); ARM 17.30.1001 *et seq.*, Montana Ground Water Pollution Control System (MGWPCS); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared draft permits for the facilities listed below. Copies of the draft permits, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT:	Rosebud Operating Services
FACILITY NAME:	Yellowstone Energy Limited Partnership
FACILITY LOCATION:	Southeast ¼ of Section 24, Township 1 North, Range 26 East, Yellowstone County
RECEIVING WATER:	Outfall 001: Exxon storm water ditch
PERMIT NUMBER:	MT0030180

Yellowstone Energy Limited Partnership (YELP) is a 54 MW (megawatt) steam and electric generating plant. Rosebud Operating Services operates the plant for YELP. The plant consists of two fluidized combustors. Petroleum coke from both the ExxonMobil and Conoco refineries in Billings is used for fuel; no coal is burned. Steam produced from the boiler is used to power the turbine generator and provide steam to the ExxonMobil facility. Electric power is sold to Northwestern Energy. This permit regulates the discharge of wastewater from Yellowstone Energy Limited Partnership to the Exxon storm water ditch.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of

the Wild Swan v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit and the renewed permit will not increase the pollutant load to Dry Creek.

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APPLICANT: Hungry Horse Development Partners LLC.
P.O Box 2609
Columbia Falls, MT 59912

FACILITY NAME: Hungry Horse Wastewater Treatment Plant

FACILITY LOCATION: Section 8, Township 30 North, Range 9 west, Flathead County

RECEIVING WATER: Outfall 001: Class I Ground Water

PERMIT NUMBER: MTX000193

This is a new permit for a wastewater treatment system to service the proposed Hungry Horse Development (HHD) and the existing community of Hungry Horse. The HHD is located east of the confluence of North Fork and the South Fork of the Flathead River south of highway 2 in Flathead County. The proposed HHD wastewater treatment plant will service the proposed HHD and the existing community of Hungry Horse, including the Canyon Elementary School and several commercial units.

The discharge constitutes a new or increased source and is subject to Montana Nondegradation Policy (75-5-303, MCA). The permit contains numeric permit limits and monitoring requirements in accordance with the Montana Water Quality Act. The Department had determined that the proposed discharge will not cause degradation to state waters.

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APPLICANT: Estates at Wilderness County Water and Sewer District
c/o: James B. Cole, managing Member
3015 12th Street NE, Suite 260
Calgary, Alberta Canada T2E 7J2

FACILITY NAME: The Wilderness Club

FACILITY LOCATION: SE, NW of Section 32, Township 37 North,

Range 27 West, Lincoln County

RECEIVING WATER: Class I ground water

PERMIT NUMBER: MTX000194

The permit authorizes the discharge of treated residential strength wastewater from The Wilderness Club development. The permittee will collect, treat, and dispose of a maximum flow of 96,650 gallons per day (gpd) of domestic strength wastewater from 271 single-family residential lots, 1 commercial lot located at the current lodge location, three "cabin pod" areas to be used for 47 condominiums and a clubhouse with a pro shop, a restaurant, and a bar.

Ground water beneath the property is Class I according to the Administrative Rules of Montana [ARM 17.30.1006(1)]. The permittee is required to monitor the effluent quarterly to ensure the proper treatment of BOD, TSS, phosphorous, nitrogen, and E-coli bacteria. No ground water mixing zone has been granted for this discharge.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS May 21, 2008.** Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked **PRIOR TO CLOSE OF BUSINESS May 21, 2008** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Dianne Beaman at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373 and 17.30.1024).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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